

AMENDED IN SENATE APRIL 30, 2012

SENATE BILL

No. 1213

Introduced by Senator Walters

February 22, 2012

An act to add Section 47610.7 to the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

SB 1213, as amended, Walters. Charter schools: legal claims and ~~actions~~. *actions against public entities: analysis by California Law Revision Commission.*

The Charter Schools Act of 1992 authorizes any one or more persons to submit a petition to the governing board of a school district to establish a charter school that operates independently from the existing school district structure as a method of accomplishing specified goals. Existing law requires a charter school to comply with its charter and exempts charter schools from the laws governing school districts except those of the Charter Schools Act of 1992, those establishing minimum age for public school attendance, specified building code regulations, and other specified laws. Existing law deems a charter school to be a school district for specified purposes, including for purposes of the state's minimum funding obligation for school districts and community colleges.

Existing law governs the tort liability and immunity of, and claims and actions against, public entities and their officers and employees. A public entity, as defined, is not liable for an injury, except as otherwise provided by statute, whether the injury arises out of an act or omission of the public entity or a public employee or any other person.

Existing law establishes in the state government the California Law Revision Commission and requires the commission to file a report at each regular session of the Legislature that contains a calendar of topics selected by it for study. Existing law requires the commission also to study any topic that the Legislature, by concurrent resolution or statute, refers to it for study. Existing law requires the commission to submit its reports, and its recommendations as to revision of the laws, to the Governor and the Legislature, and to distribute them to the Governor, the Members of the Legislature, and the heads of all state departments.

This bill would ~~provide that a charter school is also to be governed by provisions governing the tort liability and immunity of, and claims and actions against, public entities and their officers and employees if the claim or action against a charter school is the type of claim that, if brought against a public entity, would be governed by those provisions~~ require the commission, by January 15, 2013, to submit to the Legislature its analysis of the legal and policy implications of treating a charter school as a public entity for purposes of the law governing the tort liability and immunity of, and claims and actions against, public entities and their officers and employees.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) The Legislature finds and declares that the
- 2 California Law Revision Commission, pursuant to Resolution
- 3 Chapter 98 of the Statutes of 2009, is analyzing the legal and policy
- 4 implications of treating a charter school as a public entity for
- 5 purposes of Division 3.6 (commencing with Section 810) of Title
- 6 1 of the Government Code.
- 7 (b) The California Law Revision Commission shall submit its
- 8 analysis of the legal and policy implications of treating a charter
- 9 school as a public entity for purposes of Division 3.6 (commencing
- 10 with Section 810) of Title 1 of the Government Code to the
- 11 Legislature no later than January 15, 2013.
- 12 ~~SECTION 1. Section 47610.7 is added to the Education Code,~~
- 13 ~~to read:~~
- 14 ~~47610.7. If a claim or action against a charter school is the type~~
- 15 ~~of claim that, if brought against a public entity, is governed by~~

1 ~~Division 3.6 (commencing with Section 810) of Title 1 of the~~
2 ~~Government Code, the claim or action against the charter school~~
3 ~~shall be governed by Division 3.6 (commencing with Section 810)~~
4 ~~of Title 1 of the Government Code. For purposes of this section~~
5 ~~and Division 3.6 (commencing with Section 810) of Title 1 of the~~
6 ~~Government Code, a charter school is deemed to be a public entity.~~

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